

Before the  
Federal Communications Commission  
445 12th Street, SW  
Washington DC 20554

In the Matter of:

Expedited Consideration for Declaratory Rulings	)	
On the transfer of traffic only under AT&T	)	
Tariff Section 2.1.8, and Related Issues.	)	
	)	
Primary Jurisdiction Referral	)	
from the NJ District Court	)	
	)	CCB/CPD 96-20
	)	DA – 06-2360
	)	WC Docket No. 06-210
One Stop Financial, Inc	)	
Group Discounts, Inc.	)	
Winback & Conserve Program, Inc.	)	
800 Discounts, Inc.	)	
Petitioners	)	
and	)	
AT&T Corp.	)	
Respondent	)	

REQUEST FOR RECONSIDERATION OR FCC GUIDANCE FOR  
DISTRICT  
COURT RE: ISSUES ALREADY COMMENTED ON, BUT NOT  
BEFORE FCC

To FCC:  
Marlene H. Dortch  
Secretary  
Federal Communications Commission  
Office of the Secretary

Ms. Deena Shetler  
Via ECFS and email:  
[Deena.Shetler@fcc.gov](mailto:Deena.Shetler@fcc.gov)  
Copy: [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com)

Representing: One Stop Financial, Inc., Group Discounts, Inc., 800 Discounts, Inc.  
and

Winback & Conserve Program, Inc

Its President

AL Inga

Feb 8th 2007

Dear FCC

1) Petitioners have further reviewed the FCC's Jan 12<sup>th</sup> 2007 Order. It appears as if the FCC's position on Jan 12<sup>th</sup> 2007 was that there was nothing that Petitioners could have possibly said within its upcoming Jan 31<sup>st</sup> 2007 reply comments that would changed the Commissions position that "the other open issues" referred by the June 2006 District Court Order do not include shortfall and discrimination issues etc. Petitioners did bring to the FCC's attention in its Jan 31<sup>st</sup> 2007 filing several additional excerpts from the record as to why it believed that these other issues were on the table to be decided by the FCC. Therefore Petitioners respectfully request the FCC to reconsider its position due to the Jan 31<sup>st</sup> 2007 further comments that petitioners brought forth after the FCC Order of Oct 12<sup>th</sup> 2007.

2) Petitioners do want to thank the FCC for letting petitioners know now that it should go back to the NJ District Court to resolve the pre June 17<sup>th</sup> 1994 issue, the illegal remedy used in applying shortfall, the section 2.5.7 "Shortfall Waiver Due to Circumstances Beyond the Customers Control, Discrimination issues, etc.

3) As petitioners stated in its original motion, it is better that petitioners know now that the FCC will not rule on these issues, instead of waiting for a FCC decision months from now stating the FCC decided not to rule on the issues.

4) Petitioners were led to believe by the FCC's then General Counsel Mr. Schlick that petitioners were able to seek Declaratory Rulings on issues that were not referred by the Court many months prior to the Judge Bassler order. Petitioners still believe the Judge Bassler order did intend to refer all these issues. Petitioners were not aware that the law changed after Mr. Schlick's answer that the public could no longer request FCC Declaratory Rulings; that the FCC's new position is that Declaratory Rulings must only originate from a Court. Please excuse petitioners for not keeping up with this FCC rule change.

5) Therefore, Petitioners will go back to the NJ District Court to resolve any factual disputes as advised by the FCC's Jan 12<sup>th</sup> 2007 Order. If the NJ District Court finds that there are interpretative issues that it wishes the FCC to resolve, petitioners understand that the Declaratory Rulings requested will need to be very specific as to what the District Court wishes interpreted by the Commission. This will alleviate any situations like we just went through arguing what "any other open issues" encompasses.

6) This does raise a procedural issue that we would like the FCC's guidance on to advise the District Court of: Given the fact that AT&T, petitioners, CCI and 800 Services, Inc. have already extensively commented on these very issues, in which the FCC Order states it is not going to rule on, can the FCC provide the District Court guidance on this matter? Specifically: Is the District Court to issue an order requesting that the FCC expand the existing primary jurisdiction referral order

(FCC case ID 06-210) and mention precisely which issues of the 12 petitioners requested the District Court also wants resolved? Or is the District Court to issue a brand new primary jurisdictional referral orders for each, which will receive its own FCC case ID and additional public comments?

7) Even if petitioners were to receive summary judgment from the District Court on any of these issues it appears as if all paths are leading back through the FCC. If petitioners win summary judgment AT&T will no doubt appeal to the Third Circuit and the Third Circuit will likely send the case to the FCC since the FCC has never ruled on these issues. We saw Judge Politan's second decision get vacated on primary jurisdiction solely, not the merits. Or the District Court may short circuit the process by sending these issues directly back to the FCC. It appears that whatever road petitioners take it leading back through the FCC.

8) The FCC's reconsideration based upon the Jan 31<sup>st</sup> 2007 comments of AT&T, CCI, and petitioners, and guidance for the District Court is respectfully requested as to whether the District Court is to expand the existing primary jurisdictional referral or issue a new primary jurisdictional referral.

Program, Inc

Respectfully Submitted,

One Stop Financial, Inc  
Group Discounts, Inc  
Winback & Conserve

800 Discounts, Inc.

By: /s/ Al Inga

February 8, 2007

Al Inga  
Its' President